

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

1594 West North Temple Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
Telephone: (801) 538-5291 Fax: (801) 359-3940

APPROVED

SEP 12 2013

DIV. OIL GAS & MINING

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The informational requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program. (R647-3-et seq.)

These pages will replace the corresponding pages in the original NOI.

\*\*\*\*\*

1. GENERAL INFORMATION

1. Name of Mine: WINDY 3
2. Legal name of entity (or individual) for whom the permit is being requested:  
Mailing Address: ROBERT STONE INC. 2317 INTERSTATE AVE.  
City, State, Zip: GRAND JUNCTION, COLORADO, 81505  
Phone: 970-256-9297 Fax: \_\_\_\_\_  
E-mail Address: ROBERT - STONE @ QWESTOFFICE.NET

Type of Business:

Corporation ☒ LLC \_\_\_\_\_ Partnership - general \_\_\_\_\_ or limited \_\_\_\_\_  
Sole Proprietorship (dba) \_\_\_\_\_ or Individual \_\_\_\_\_

Entity must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC).

Are you currently registered to do business in the State of Utah? Yes ☒ No \_\_\_\_\_

Entity # 8542674-0143

If no, contact DOC at [www.commerce.utah.gov](http://www.commerce.utah.gov) to renew or apply.

Local Business License # : \_\_\_\_\_ (if required)

Issued by: City: \_\_\_\_\_ or County: \_\_\_\_\_

If Business is a Sole Proprietor:

Name of owner: \_\_\_\_\_ Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

If Business is a Partnership:

Name of Partner: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_



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**If Business is a Corporation:**

DIV. OIL GAS &amp; MINING

Name of Officers: \_\_\_\_\_

Title: \_\_\_\_\_

ROBERT E HUMPHREYSTitle: PRESIDENTJANA STEVENSTitle: SECRETARY

Title: \_\_\_\_\_

Corporate Address: 2317 INTERSTATE AVECity, State, Zip: GRAND JUNCTION, CO. 81505Phone: 970-256-9297 Fax: \_\_\_\_\_E-mail Address: ROBERT - STONE @ QWESTOFFICE.NET**If Business is a Limited Liability Company:** Member Managed \_\_\_\_\_ Manager Managed \_\_\_\_\_Name of 1<sup>st</sup> Member/Manager: \_\_\_\_\_

Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

2nd Member/Manager: \_\_\_\_\_

Title: \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**2. Contacts:**This person may be notified for: permitting ☒ surety ☒ Notices ☒  
(please check all that apply)Name: Robert HUMPHREYSTitle: PRESIDENTAddress: 2317 INTERSTATE AVECity, State, Zip: GRAND JUNCTION, CO. 81505Phone: 970-256-9297

Fax: \_\_\_\_\_

Emergency, Weekend, or Holiday Phone: 970-216-2669E-mail Address: ROBERT - STONE @ QWESTOFFICE.NETThis person may be notified for: permitting \_\_\_\_\_ surety \_\_\_\_\_ Notices \_\_\_\_\_  
(please check all that apply)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Emergency, Weekend, or Holiday Phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Registered Utah Agent** (as identified with the Utah Dept of Commerce) (if individual leave blank):

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_



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3. Certification:

**This certification must be signed by:** (1.) an executive officer if the applicant is a corporation; (2.) a partner if applicant is a partnership (general or limited); (3.) the owner if applicant is a sole proprietorship; (4.) the member or manager if applicant is a limited liability company; or (5) the individual if the applicant is filing as an individual:

I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. I will follow the approved mining and reclamation plan that was submitted by Color Country Rock (transferor), until such time that I provide the Division with an amended Notice of Intention and receive approval of the amended Notice; AND
- b. I commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

Signature: Robert E. Humphreys Date: 12-21-12

Name (typed or printed): ROBERT E. HUMPHREYS

Title/Position (if applicable): PRESIDENT



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DIV. OIL GAS & MINING

To: Jim Crisp  
Bureau of Land Management  
St. George Office  
345 East Riverside Drive  
St. George, Utah 84790

From: Preston L. Hafen  
Color Country Rock LLC  
291 East 1400 South, Suite #1  
St. George, Utah 84790

Subject: Plan of Operations for Windy #3 (Amended) Quarry Operations  
(Disturbance 5 Acres or Less) Located in Section 13, Township 41 S.  
Range 18 W. Salt Lake Base and Meridian, Washington County, Utah

Date: November 19, 2001

Dear Jim:

Color Country Rock LLC intends to begin quarry operations for picture stone within the next few weeks on the Windy#3 (Amended) claim which is located ½ mile south of the Motoqua/Gold Strike road immediately north of the Shivwits Reservation.

I. Claimant Information

- A. Preston L. Hafen
- B. 115 South Main, Veyo, Utah 84782
- C. (435) 574-2760

II. Operator Information

- A. Color Country Rock LLC Owners/Operators
  - Gordon B. Holt
  - LeGrande Fawcett
  - Jeff Fawcett
  - Max Kevin Schmidt
  - Russell Limb
  - Preston L. Hafen
- B. 291 East 1400 South, Suite #1, St. George, UT 84790
- C. Telephone Number: (435) 652-1885

III. Mining Claim Information

- A. Claim Name
  - Windy #3 Amended
- B. Claim Type
  - Placer & Lode
- C. BLM Serial Number
  - UMC 368018 & UMC 368068



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D. Location of Claim

Section 13 E1/2 W1/2 SW1/4, E 1/2 SW 1/4, W 1/2 W 1/2 SE 1/4, T. 41 S., R 18  
W. SLB & M  
Washington County

IV. Proposed OperationsA. Period of Operations

Operations will be initiated in December, 2001. Current plans are to continue operations intermittently for approximately 10 years.

B. Access Routes

Access to the claim is shown on Plate 1 via the Motoqua/Gold Strike improved gravel road approximately 2 miles NW of the Gunlock oiled road. The Windy Quarry is located approximately one-half mile south of the Motoqua/Gold Strike road on an existing secondary road shown on Plate 2.

C. Existing Disturbance and Structures

Existing roads are shown on Plate 2. There is an old mine adit (caved) and two pre-existing quarry locations shown on Plate 2.

D. Proposed Operations

Plans are to mine picture stone from the two areas that have been previously mined. As mining progresses, mined areas will be reclaimed to the extent possible on a continuing basis. Anticipated equipment for mining operations may include: D8 or equivalent dozer, track mounted back hoe with hammer attachment, compressor and jack hammer/drill, rubber tired loader and trucks for transporting mined rock to storage/shipping facilities in St. George.

V. Proposed ReclamationA. Reclamation Measures to Prevent Unnecessary or Undue Degradation

1. Where soil is present, it will be removed from areas to be mined and stockpiled for spreading over mined areas as mining is completed.
2. Mined areas will be reshaped to natural contours in so far as is practical.
3. Where applicable, reclaimed areas will be seeded with a seed mix as specified by BLM.
4. Seeding will be accomplished in late fall and early spring to assure optimum seed germination.
5. Waste materials will be disposed of promptly at an appropriate waste disposal site.

B. Extended Period of Non-Operation

It is anticipated that operations will be intermittent. Whether operating or non-operating, the property will be maintained in a safe and clean condition. Operating areas will be identified as such with appropriate warning signs posted to inform public land users of potential hazards.



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VI. Maps

A. Plate 1. Topographic base map, scale 1 inch equals 2 miles showing location of operations and access roads.

B. Plate 2. Topographic base map, scale 1 inch equals 2000 feet showing existing roads, existing disturbance and proposed operating areas.

Preston L. Hafen

11/19/01



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FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION RECORD

*Windy #3 Mining Plan of Operations*  
UT-100-02-EA-06  
UTU-79710

FONSI: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that the action will not have a significant effect on the human environment and an environmental impact statement is not required.

DECISION: It is my decision to authorize the Plan of Operations for Mr. Lonny Hafen as described in the Proposed Action of UT-100-02-EA-06. This decision is contingent on meeting all stipulations and monitoring requirements listed below.

Proponent must adhere to the following Stipulations:

1. Install metal swinging gate or cattle guard at intersection of proposed access road and Motoqua road.
2. Complete required maintenance on gate or cattle guard.
3. Stockpile topsoil removed during construction of access road and quarry locations for use during reclamation.
4. Maintain access road and quarry location to BLM standards for erosion control.
5. Control outbreaks of noxious weeds using BLM approved chemicals and methods.
6. Notify livestock operator(s) of Jackson Wash grazing allotment prior to commencing activities each day that road construction or mining activities will take place.
7. Leave appropriate buffer and construct BLM approved fence to properly avoid cultural resource site near project area.
8. Construct fence around entire project area if BLM determines significant impact to livestock would occur.
9. Post signs along Motoqua road, from both directions of travel, that indicate trucks entering the road.
10. Post signs that indicate blasting in the area and notify livestock operator(s) of Jackson Wash grazing allotment if blasting is used during road construction or mining activities.
11. Limit equipment traffic to one, 20 ton dump truck towing a 10 ton trailer, round trip per week, during the months of October through February
12. Complete full reclamation of all disturbed areas to natural contours and spread stockpiled topsoil and BLM approved seed mix over reclaimed areas.

Monitoring: Site will be monitored for compliance with these stipulations and adherence to this EA.



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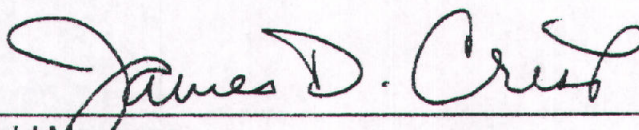
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**RATIONALE:** The decision to approve this Plan of Operation for Mr. Lonny Hafen, of Color Country Rock, as described in the Proposed Action, has been made in consideration of the impacts to the affected resources, as well as cost concerns to the Proponent. The action is in conformance with the St. George Field Office RMP (1999) Decision MI-07 which states "Public lands in Washington County will remain available to mining location under the General Mining Law of 1872". It has been determined that the proposed location is within an area designated as "open" to mineral removal.

The No Action Alternative was not selected because suitable Liesgang banded sandstone for items such as fireplaces, swimming pools, patios, fences, and home construction would not be provided to the proponent. It has been determined that minimal adverse effects to the environment would occur.

This NEPA action was entered on the Electronic Notification Bulletin Board on December 12, 2001, and was sent out for a 30-day public comment/review period.

  
\_\_\_\_\_  
Field Manager

3/1/02  
\_\_\_\_\_  
Date



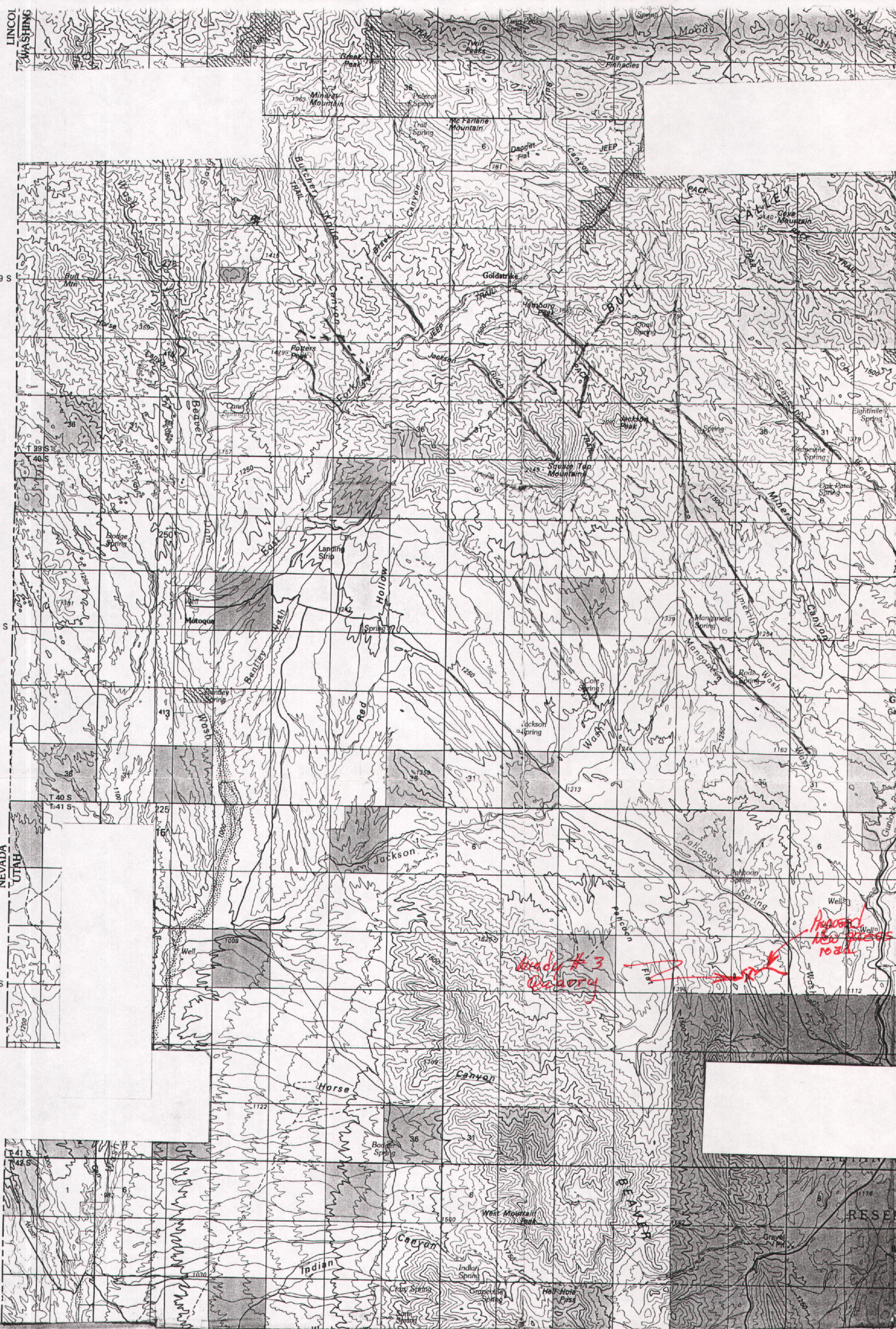


Plate No. 1 Windy #3 Plan of Operations  
Scale 1 inch = 2 miles  
5/53/071

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APR - 1 2002  
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# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Cedar City Field Office  
176 East DL Sargent Drive  
Cedar City, Utah 84720

8/053/071  
**RECEIVED**

**DEC 20 2001**

**DIVISION OF  
OIL GAS AND MINING**

In Reply Refer To:  
UT-040  
3809: UTU-79710

December 18, 2001

**APPROVED**

**SEP 12 2013**

**DIV. OIL GAS & MINING**

Mr. Preston Hafen  
Color Country Rock, LLC  
291 E 1400 S, Suite #1  
St. George, UT 84790

Dear Mr. Hafen:

This letter is in regard to your plan of operations, submitted under the 43 CFR 3809 regulations, proposing a quarry and access / haulage road to recover an alleged "uncommon variety" banded sandstone from BLM-managed lands located within portions of the S½ of section 13, T. 41 S., R. 18 W., Washington County, Utah. The proposal was received in the BLM St. George Field Office (SGFO) on November 23, 2001, and initially forwarded to this office for review and processing since the SGFO was then lacking a staff minerals specialist. Your proposal has been serialized as BLM case file UTU-79710, The Windy #3 Sandstone Quarry. I regret to inform you that it will not be possible to approve your proposed plan within 30 calendar days of the date of its initial submission. The SGFO presently has a staff geologist, Mr. Rick Rymerson; Mr. Rymerson informs me that he contacted you by telephone on December 17<sup>th</sup> to make you aware of this fact. I am writing you for purposes of documenting the cause of the delay.

In response to your original proposal, on December 6, 2001, I made a pre-disturbance site inspection of the proposed quarry area and access road, accompanied by Rick Rymerson, SGFO Geologist, and Bob Douglas, SGFO Wildlife Biologist. The inspection of the quarry area revealed that natural exposures of a liesegang-banded sandstone are present throughout the quarry area. The appearance of the material presently exposed leads me to conclude that there is a reasonable basis to proceed with the proposal on the belief that the sandstone could be an "uncommon variety", and subject to royalty-free removal under the General Mining Law. There were no critical resource values identified within the proposed quarry area.

Regrettably, your proposed access / haulage route, this being the existing access trail leading from the Pahcoon Wash County Road to the quarry area, was found to traverse an extremely sensitive area comprising the habitat of a listed threatened and endangered (T & E) plant species. Mr. Douglas advised me that it would be impossible to widen the existing trail through the sensitive area. On December 7, 2001, I telephoned you to make you aware of the conflict, and we decided that an alternative access route from the County Road to the quarry area would be the best solution to avoid impacts to the T & E plant.

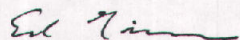
You submitted a map depicting an alternative access route on December 10, 2001. This alternative proposal was met with resistance by Ms. Chacon, the SGFO visual resource specialist. Ms. Chacon felt that an alternative route with lessened visual impacts could be selected. To identify an alternative route with lower visual impact, an on-the-ground meeting was arranged for December 14<sup>th</sup>. Mr. Rymerson informed me yesterday that the meeting never took place due to Ms. Chacon not being able to locate the meeting place. Mr. Rymerson also informed me that the earliest time this meeting can be re-scheduled with Ms. Chacon is early January, 2002, due to scheduled leave for the holidays.



The 43 CFR 3809 regulations by which we must review your proposal require us to complete an environmental review before we can approve the plan. That environmental review can not be completed until the access route is finalized; presumably this will be accomplished in early January, 2002 through an on-the-ground meeting with Ms. Chacon.

Please accept my apologies for the inconvenience and delay the missed meeting with Ms. Chacon has caused for your business. I am confident an acceptable access route can be arranged, and approval for the plan obtained. Feel free to call myself, at 435-865-3040, or Mr. Rymerson, at 435-688-3205, if there are other aspects of the plan, such as the requirement for a financial guarantee, that we can help you complete in the interim.

Sincerely,



Ed Ginouves  
Mining Engineer

xc: Joelle Burns, DOGM  
Rick Rymerson, BLM SGFO